

## REMARKS

Claim 1 is the only claim pending in the Application, since claims 2-27 have been canceled to allow expedited prosecution of claim 1.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

The Examiner has included a "Requirement for Information Under 37 CFR §1.105" in the Office Action.

Claim 1 stands rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

These rejections are respectfully traversed in the following discussion.

### I. THE CLAIMED INVENTION

The claimed invention is directed to a computerized method of conducting a survey. For at least one question in the survey, a bin is established in a memory of a computer for each of a possible response to the question. For each bin, a perturbing mechanism is established that perturbs a content of the bin, the perturbing mechanism having a statistical parameter with a known value. A perturbed indicator vector is generated that represents a respondent's response for the question, the perturbed indicator vector comprising an information structure including the contents of all bins of the question after each of the bins has been perturbed and the respondent has selected one or more of the possible responses. The perturbing mechanism comprises a random number generator and the known statistical parameter value comprises a mean value of the random number generator. Generating the perturbed indicator vector comprises

respectively adding numbers from the perturbing mechanism to the contents of the bins. If contents of a bin exceed an upper bound after perturbation, the contents are clamped to the upper bound. If contents of a bin are below a lower bound after perturbation, the contents are clamped to the lower bound. A survey question is set up by generating a medium with a plurality of markable areas for each possible response and pre-marking a random number of the markable areas for each the possible response such that a respondent can respond to the survey question by adding a mark to any of remaining non pre-marked markable areas, if any markable areas remain after the pre-marking, of the plurality of markable areas for the possible response that corresponds to a desired response to the question. At least one response to the survey is received as input data to the computer. A perturbed indicator vector is generated by counting the number of marked areas for each response. For a plurality of responses for a question in the survey received as input data to the computer, the bins are analyzed in the perturbed indicator vector to provide an estimation of a distribution of responses. The analyzing includes, for the question being analyzed, calculating an average of each perturbed bin in the question, wherein the perturbing mechanism comprises a random number generator and the known statistical parameter comprises a mean value, the analyzing further comprising for each the perturbed bin in the question, subtracting the mean value of the perturbing mechanism associated with the bin.

As described beginning at line 9 of page 2 of the specification, a conventional method of recovering aggregate statistics of the data from perturbed data is iterative, complicated, memory intensive, and takes many computations, thereby requiring large computation time to estimate a distribution for data mining algorithms that preserve privacy of those whose personal data are collected and analyzed.

The claimed invention, on the other hand, provides a method of data mining that has both a characteristic of small privacy loss and high fidelity in the estimate of the data mining result.

## **II. THE 35 USC §112, SECOND PARAGRAPH REJECTION**

Claim 1 stands rejected under 35 U.S.C. §112, second paragraph, as indefinite. Although Applicant does not necessarily agree with the Examiner's position, the claim has been amended, above, in a manner believed to overcome this rejection.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

## **III. THE 35 USC §101 REJECTION**

The Examiner alleges that a new standard for non-statutory subject matter has been defined within the USPTO and that the claimed invention fails to satisfy this new standard.

In response, Applicant respectfully points out that the USPTO lacks statutory authority to make substantive law. The definition of a new standard for statutory subject matter certainly constitutes substantive law. Therefore, this rejection is also improper.

The existing standard for computer methods remains the "useful, concrete and tangible result" standard confirmed in *State Street* and *AT&T*. The method of the claimed invention is directed to conducting a survey and is, therefore, clearly a real-world problem having a claimed method of solution that clearly cannot even be done mentally, as implied by the Examiner in the rejection.

However, in an effort to expedite prosecution, the claim has been amended above to provide more concrete indication of execution by a computer, although Applicant believes such modification is not necessary and the requirement for such modification is not supported in any current case law holding.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw this rejection.

#### **IV. THE RULE 105 REQUIREMENT FOR INFORMATION**

In response to this requirement, as listed beginning on page 6 of the Office Action, Applicant provides the following:

1. Listing of keywords for search

Applicant is not aware of any special keywords that might be useful to the Examiner's search, other than those used in the specification as filed and the documents submitted as the initial IDS.

2. Publications relied upon by Applicant for development

Applicant does not have any other publications to offer in response, other than those publications previously filed in the initial IDS.

However, it is brought to the Examiner's attention that the inventive process is typically not dependent or reliant upon any specific publication known to an inventor, since, by definition, an inventor will almost always consider that a new invention is due to the inventor's personal insight and is not described in any reference known to the inventor.

3. Prior art search

Applicant is not aware of any prior art search having been done for the claimed invention. All documents known by Applicant as reasonably possibly related to the novelty of the invention were presented in the initial IDS.

#### **V. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claim 1, the only claim presently pending in the application, is patentably distinct over the prior art of record and is in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone

number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

Please charge any deficiencies in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0510.

Respectfully Submitted,



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Frederick E. Cooperrider  
Reg. No. 36,769

**McGinn Intellectual Property Law Group, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817(703) 761-4100  
Customer No. 21254

CERTIFICATION OF TRANSMISSION

I certify that I submitted via EFS this Amendment Under 37 CFR §1.111 on October 1, 2008.



Frederick E. Cooperrider  
Reg. No. 36,769